

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEROME H. WALLACE SR.,

Plaintiff,

vs.

UNITED STATES ARMY, and UNITED  
STATES,

Defendants.

**8:22CV367**

**MEMORANDUM AND ORDER**

Before the Court is Plaintiff's motion to proceed in forma pauperis. [Filing No. 7](#). Plaintiff is not employed but reports income of \$4,845.00 per month from social security and military disability. Plaintiff states he has \$332.00 in cash or in a checking or savings account. He describes monthly expenses of \$1,416.77 for a mortgage payment, \$499.99 for cable and utilities, \$150.00 for gas, and \$143.00 for his cell phone. In addition to a mortgage, utilities and other living expenses, Plaintiff describes an outstanding debt of \$100.00 per month to Goodyear and \$29.00 to Home Depot. Given Plaintiff's income and available assets, the Court finds that his monthly expenses would not impact his ability to pay the relatively modest filing fee associated with filing a claim in federal court.

Therefore, IT IS ORDERED that:

1. Plaintiff's motion to proceed in forma pauperis, [Filing No. 7](#), is denied.
2. Plaintiff shall pay the \$402.00 filing fee within 30 days of the date of this order.

3. Failure to comply with this order will result in this matter being dismissed without prejudice and without further notice.

4. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **December 9, 2022**: deadline for Plaintiff to pay \$402.00 filing fee.

Dated this 9th day of November, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", written over a horizontal line.

Joseph F. Bataillon  
Senior United States District Court